IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WA.No. 967 of 2003(B)

APPELLANT: PETITIONER

MOHINDER SINGH JOHAR, FORMER BRANCH
MANAGER, PUNJAB & SIND BANK, ERNAKULAM,
NOW RESIDING AT 183/PALSITER COLONY,
INDOOR, MADHYA PRADESH, PIN - 452 003.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.THAMBI JACOB
SRI.SAJI KURIACHAN
SRI.M.R.NANDAKUMAR
SRI.PAUL ABRAHAM VAKKANAL

RESPONDENTS: RESPONDENTS

1. PUNJAB AND SIND BANK, REPRESENTED BY
ITS CHAIRMAN-CUM-MANAGING DIRECTOR,
HEAD OFFICE, NEW DELHI.

2. THE GENERAL MANAGER,
(REVIEWING AUTHORITY), CONSTITUTED BY THE PUNJAB
AND SIND BANK OFFICERS EMPLOYEES (DISCIPLINE AND
APPEAL REGULATION 1983), PUNJAB AND SIND BANK,
5TH FLOOR, BANK HOUSE, RAJENDRA PLACE, NEW DELHI.

3. DEPUTY GENERAL MANAGER (PERSONAL),
THE APPELLATE AUTHORITY CONSTITUTED BY THE
PUNJAB & SIND BANK OFFICERS EMPLOYEES
(DISCIPLINE AND APPEAL REGULATION, 1981) BY
DY.GENERAL MANAGER,(PERSONAL), PUNJAB & SIND BANK,
5TH FLOOR, BANK HOUSE, H.O.RAJENDRA PLACE,NEWDELHI

4. THE ASSISTANT GENERAL MANAGER, DISCIPLINARY AUTHORITY,
PUNJAB & SIND BANK, ZONAL OFFICE, BOMBAY.

5. DALJET SINGH SIDHAR,
ENQUIRY OFFICER, SR.MANAGER, ZONAL OFFICE, BOMBAY.

BY ADV. SRI.JOSEPH KODIANTHRA
SRI.JOSEPH KODIANTHARA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/09/07, THE COURT ON 10/09/2007 DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.A.No. 967 OF 2003

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Dated this the 10th day of September, 2007

JUDGMENT

Radhakrishnan, J

This writ appeal was preferred by the appellant seeking a writ of certiorari to quash Exts.P11 and P13 orders and also for a writ of mandamus directing the respondents to reinstate the petitioner in service with all benefits of service including the entire arrears of pay and allowances to the petitioner during the period he was kept out of service.

2. The charge levelled against the petitioner was that on 24.4.1992 he had unauthorisedly arranged a bank guarantee for Rs.30 lakhs in favour of a limited company on behalf of an exporter. The bank guarantee was issued without margin and without charging commission or collateral security. The transaction did not find a place in the records of the banking company and also he had not sought for approval of the higher authorities since it was beyond his powers. On the basis of the charges, a detailed enquiry was conducted and the petitioner was dismissed from service. The same was challenged before

the appellate authority in Ext.P12 appeal which was dismissed by Ext.P13 order. Learned Single Judge found no reason to interfere with those orders and dismissed the original petition.

3. Learned counsel submits that there is clear violation of the regulation 6(3) of the Punjab and Sind Bank Officer Employees' (Discipline & Appeal) Regulations, 1981 since he was not given an opportunity to file written statement of defence or counter affidavit stating that petitioner was given sufficient opportunity but he did not avail of the same. Petitioner was given every opportunity to participate in the enquiry and the enquiry was conducted in full compliance with the principles of natural justice as also the provisions of the Punjab and Sind Bank Officer Employees' (Discipline and Appeal) Regulations, 1981. Petitioner had fully participated in the enquiry and had cross examined the witnesses as well. Learned counsel for the respondent states that the Regulation does not confer any right of review on a delinquent officer. In any event no prejudice has been caused to the petitioner. Learned counsel for the respondent also relies on the decision

of the Supreme Court in **Chairman & Managing Director, United Commercial Bank v. P.C.Kakkar (2003 AIR SCW 944)** in which it is stated that "a Bank Officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the Bank is required to take all possible steps to protect the interests of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank Officer."

4. We have perused Ext.P12 appeal. Petitioner placed various facts in the appeal petition. Counsel appearing for the appellant submits none of the points raised by him were considered by the appellate authority. Counsel sought for a direction to the appellate authority to reconsider the matter and pass appropriate fresh orders in accordance with law. We have perused the appellate order. We are of the considered view that many of the points raised by the appellant had not been adverted to or considered by the appellate authority.

5. In the entire facts and circumstances, we are inclined to quash Ext.P13 order and direct the appellate authority to pass fresh orders on Ext.P12 within three months from the date of receipt of a copy of this judgment after giving sufficient opportunity of hearing to the appellant.

Writ Appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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